

## UNITED STATES DISTRICT COURT

for the  
District of New MexicoIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)1996 Lexus  
NM NAJ489  
VIN JT8BH22F6T0064934

Case No.

16-MR-232

FILED  
At Albuquerque NM

MAR 24 2016

MATTHEW J. DYKMAN  
CLERK

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

1996 Lexus with New Mexico license NAJ489 at 4200 Luecking Park Ave NE (Attachment B)

located in the \_\_\_\_\_ State and \_\_\_\_\_ District of \_\_\_\_\_ New Mexico \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

evidence pertaining to the assault of a federal officer, to include trace evidence and subject identifying information

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

Assaulting, resisting, or impeding certain officers or employees

Title 18 U.S.C. 111

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
 Applicant's signature

 Rachel L. Hixox, Special Agent FBI  
 Printed name and title

Sworn to before me and signed in my presence.

Date:

March 24, 2016

City and state:

Albuquerque NM

  
 Judge's signature

 KAREN B. MOLZEN  
 U.S. MAGISTRATE JUDGE  
 Printed name and title

## **AFFIDAVIT**

Your Affiant, Rachael Hickox, having been duly sworn, does hereby depose and say:

### **Introduction**

1. I have been a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice, since October 2012. As such, I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request arrest warrants. I am currently assigned to the FBI's Albuquerque Violent Crime Program in which I am authorized to investigate crimes occurring in Indian Country and general violent crimes. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other sworn law enforcement officers. Because this affidavit is submitted for the limited purpose of securing a search warrant, your Affiant has not included each and every fact known to me concerning this investigation. Your Affiant has set forth only those facts that she believes are necessary to establish probable cause to support a search warrant for a 1996 Silver Lexus with New Mexico license plate number NAJ489, in support of investigating the violation of Title 18 U.S.C. § 111. Assaulting, resisting or impeding certain officers or employees.


### **Relevant Statutes**

2. This investigation concerns an alleged violation of 18 U.S.C. §111 Assaulting, resisting, or impeding certain officers or employees.

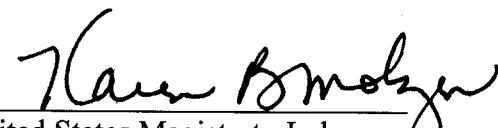
### **Details of Investigation**

3. On March 24, 2016, the FBI received information regarding an officer-involved-shooting at the Route 66 Casino in Laguna, New Mexico. Agents and Officers from the FBI, Bureau of Indian Affairs (BIA), Laguna Police Department (LPD), Bernalillo County Sheriff's Office (BCSO), and New Mexico State Police (NMSP) responded to the scene.
4. At 2349 on March 23, 2016, Laguna Police Officer Peter Tanzilli requested a license plate check for a silver Lexus that pulled into and parked at the south end of Route 66 Casino. New Mexico plate NAJ489 was reported stolen previously that day. The report indicated that the car was stolen by Mario Angelo Sandoval.
5. Two subjects exited the silver Lexus. Officer Tanzilli confronted both subjects. One, who remains unknown, ran south through the casino parking lot. The other subject, who was later identified as Mario Sandoval, pulled a gun from his waistband and fired upon Officer Tanzilli.
6. Officer Tanzilli was struck in the left pelvic region, and fell to the ground. He returned fire, striking Sandoval, who later died as a result of a gunshot wound.

7. Officer Tanzilli was transported to University of New Mexico Hospital, where he was admitted to the intensive care unit for the gunshot wound.
8. Sandoval's body was on the outside of the driver's side of the stolen silver Lexus. The keys to the Lexus were also found near his body.
9. The silver Lexus had what appeared to be bullet holes in the body of the vehicle.
10. Surveillance footage from the casino showed the silver Lexus drive around the parking lot and back into a parking space. The footage also showed the same individuals exit the car and walk towards the south door of the casino, where they were confronted by a uniformed police officer next to a marked unit. One individual ran away while the other got into a struggle with the officer.
11. Lapel camera footage from Officer Tanzilli showed two individuals walking towards him. Officer Tanzilli drew his weapon and told both to "get on the ground." The UNSUB ran away, while SANDOVAL was taken to the ground by Officer Tanzilli. SANDOVAL struggled as the officer attempted to handcuff him, turned himself onto his back, pulled out a handgun, and shot Officer Tanzilli. Officer Tanzilli fell to the ground, and returned fire. In the footage, he can be heard yelling for someone to call 911 and that he had been hit.
12. Officer Tanzilli received a Federal Bureau of Indian Affairs Special Law Enforcement Commission on 6/22/2015.
13. Based on all of the above information and her training and knowledge of evidence collection, your Affiant submits there is probable cause to believe that forensic and trace evidence of the assault of Officer Tanzilli, a federal officer, exists in the 1996 silver Lexus. Your Affiant respectfully requests that this Court issue a search warrant for the Lexus currently located at 4200 Luecking Park Ave NE, in Albuquerque, New Mexico, 87107, for any trace evidence, such as bullet fragments; any forensic evidence; and any evidence that would identify the unknown subject, to include any cellular telephones, legal documents, or papers; in support of investigating the violation of Title 18 U.S.C. § 111. Assaulting, resisting or impeding certain officers or employees.
14. I swear that this information is true and correct to the best of my knowledge.

  
Rachael Hickox, Special Agent - FBI

SUBSCRIBED and SWORN to before  
me this 24 day of March, 2016.

  
United States Magistrate Judge

**Attachment A**  
**Evidence to Be Recovered**

- Any weapons and/or ammunition
- Any DNA evidence
- Any trace evidence, to include bullet fragments
- Any identifying information pertaining to the unknown subject, to include cellular telephones and / or paperwork
- Information confirming the legal owner of the vehicle

**Attachment B**  
**Location and Description of Item to be Searched**

Silver Lexus four-door sedan with New Mexico license NAJ489 and vehicle identification number JT8BH22F6T0064934 located at 4200 Luecking Park Avenue Northeast, Albuquerque, NM 87107.

*KBM*